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109961 U.S. PTO

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A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

11000 U.S. PTO  
09/911551  
07/23/01

In the application of	)	Examiner: Not Assigned
Callister et al.	)	Group Art Unit: Not Assigned
For: <b>OCCLUDING DEVICE AND METHOD OF USE</b>	)	Customer No.: 25213
Serial No.: Not Assigned	)	
Filed: July 23, 2001	)	
Atty. Docket No.: 23267-1032	)	

**REQUEST FOR FILING A CONTINUATION APPLICATION UNDER 37 CFR §1.53(b)**

Express Mail Label No. EL 912 434 216 US  
Mailed on July 23, 2001

BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a continuation application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 09/468,749, filed December 21, 1999, which is a continuation of application Serial No. 09/112,085, filed July 8, 1998, of Jeffrey P. Callister and William S. Tremulis, for **OCCLUDING DEVICE AND METHOD OF USE**, which is incorporated herein in its entirety.

1. Enclosed is a true copy of the prior complete application as filed, including the specification (including claims), drawings, oath or declaration showing the signature or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application.
2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):  
/X/ the same as those named in the prior application.

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/ less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

3. /X/ The filing fees are to be calculated on the claims as filed in the prior application and the claims remaining as a result of the:

/X/ amendment below;

/ attached Preliminary Amendment.

Description	Fee Code	Claims	Extra	Rate	Fee
Basic Filing Fee	201				\$355
Independent Claims	202	5 - 3=	2 x	\$40=	\$ 80
Total Claims	203	42 -20=	22 x	\$ 9=	\$198

Total Fees Due.....\$633

4. Payment of Filing Fees:

/X/ Enclosed is a check in the amount of \$633.

/ The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 and §1.17, to Deposit Account No. 08-1641, referencing Docket No. 23267-1032. **A duplicate copy of this paper is attached.**

5. Please amend the specification by inserting before the first line, after the words "This is a" -- continuation of pending prior application Serial No. 09/468,749, filed December 21, 1999, which is incorporated herein in its entirety and which is a --.

6. The prior application is assigned of record to: Ovion, Inc.

7. The power of attorney in the prior application is to: **Edward J. Lynch.**

/X/ The power appears in the original papers in the prior application.

/ A Power of Attorney and Revocation of Prior Powers is enclosed.

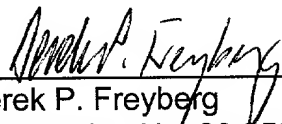
8. **Please address all future correspondence to:**

**Edward J. Lynch  
Heller Ehrman White & McAuliffe LLP  
275 Middlefield Road  
Menlo Park, CA 94025-3506**

9. Documents enclosed:

- /X/ Copy of prior complete application as filed (including the signed Declaration and Power of Attorney);
- /X/ Information Disclosure Statement;
- /X/ Form PTO-1449;
- /X/ Return Receipt Postcard.

Respectfully submitted,

By:   
Derek P. Freyberg  
Registration No. 29,250

Heller Ehrman White & McAuliffe LLP  
275 Middlefield Road  
Menlo Park, CA 94025-3506  
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